

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

AMERICAN FINANCIAL SERVICES
ASSOCIATION, et al.,

Plaintiffs,

vs.

MONTGOMERY COUNTY, MARYLAND,

Defendant.

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Civil Action No. 269105

DECLARATORY JUDGMENT

This matter comes before the Court on the Plaintiffs' Complaint for Declaratory and Injunctive Relief and the Defendant's Answer thereto. Upon consideration of the arguments and evidence presented at the hearing before the Court on July 6th, 2006, and for reasons set forth in the accompanying Opinion and Order, the Court shall and hereby does this 30th day of November, 2006,

DECLARE AND ADJUDGE AS FOLLOWS:

1. That Montgomery County Bill No. 36-04 is unconstitutional and unenforceable because the Montgomery County Council exceeded its authority in enacting a general, as opposed to a local, law in violation of Maryland Constitution Article XI-A.

2. The authority of the County Council to enact legislation such as Bill No. 36-04 has not been preempted by the State legislature in light of Maryland Code, Financial Institutions Article, § 1-209(b)(4) which provides that § 1-209(a) is not intended to effect the ability of local governments to enact laws relating to fair housing or other civil rights, and is not preempted by conflict with Maryland State law.

3. Bill No. 36-04 is a civil statute and is not, under the standard applicable, unconstitutionally vague.

IT IS SO ORDERED.

/s/
MICHAEL D. MASON, JUDGE
Circuit Court for Montgomery County, MD.